

REMARKS

Claims 1 – 33 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 5 and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by McCrady et al. (U.S. Patent No. 2,487,936). This rejection is respectfully traversed.

Applicant notes that Claim 1 has been amended to include a clutch operator including a reaction member having a tapered reaction surface engaging the tapered drive surface of the clutch operator and an apply surface engageable with the transfer clutch and a clutch actuator including an electric motor and a drive mechanism operably interconnecting the drive member to the motor.

McCrady et al. fails to teach or suggest a clutch operator including a reaction member having a tapered reaction surface engaging the tapered drive surface of the clutch operator and an apply surface engageable with the transfer clutch and a clutch actuator including an electric motor and a drive mechanism operably interconnecting the drive member to the motor. More specifically, McCrady et al. is completely silent as to means to operate the control lever 47.

In view of the foregoing, Claim 1 defines over the prior art and reconsideration and withdrawal of the rejection are respectfully requested.

Claim 5 depends from Claim 1, which defines over the prior art as discussed in detail above. Therefore, Claim 5 also defines over the prior art for at least the reasons

stated with respect to Claim 1, and reconsideration and withdrawal of the rejections are respectfully requested.

Claim 23 has been amended to include an electric motor for causing linear non-rotary translation of the drive member between a retracted position and an extended position. McCrady et al. fails to teach or suggest an electric motor for causing linear non-rotary translation of the drive member between a retracted position and an extended position. More specifically, as stated above with respect to Claim 1, is completely silent as to means to operate the control lever 47. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

OTHER CLAIM AMENDMENTS

Claims 2 and 24 have been amended for consistency with the amendments to Claims 1 and 23, respectively.

NEW CLAIMS

New Claims 26 – 33 have been added. The subject-matter of Claims 26 – 33 is fully supported in the specification and drawings as originally filed and no new matter has been entered. Claims 26 – 33 define over the prior art for at least the reasons discussed in detail above with regard to Claims 1 and 23.

DOUBLE PATENTING

The Examiner has rejected Claims 1 – 25 under the judicially created doctrine of obviousness-type double patenting in view of Claims 1 – 39 of commonly owned U.S. Patent No. 6,766,889. Applicant filed a Terminal Disclaimer in compliance with 37 C.F.R. 1.32(c) to overcome this rejection with the Amendment filed on August 20, 2004. The Terminal Disclaimer has been accepted by the Examiner as indicated in the present Office Action dated November 16, 2004.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1240.

Respectfully submitted,

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By: _____


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